



## **MEETING MINUTES**

Multidisciplinary Advisory Committee  
Wednesday, June 15, 2011  
Sacramento, California

### **1. Call to Order - Roll Call**

Multidisciplinary Committee (MDC) Chair Dr. William Grant, II, called the meeting to order at 10:10 a.m. Veterinary Medical Board (Board) Executive Officer Susan Geranen called roll; all seven members of the MDC were present and thus a quorum was established.

#### Members Present

William Grant, II, DVM, Chair  
Jennifer Boyle, RVT, Vice-Chair  
Oscar Chavez, DVM  
David Johnson, RVT  
Jon Klingborg, DVM  
Richard Sullivan, DVM  
Diana Woodward Hagle  
Linda Starr, Veterinary Medical Board Liaison

#### Staff Present

Susan Geranen, Executive Officer, Veterinary Medical Board  
Paul Sanchez, Assistant Executive Officer, Veterinary Medical Board  
Shela Barker, Legal Counsel  
Ethan Mathes, Administrative Programs Coordinator  
Monica Ochoa, Enforcement Analyst

#### Guests Present

Ryan Arnold, Department of Consumer Affairs  
Sue Brodbeck, California Registered Veterinary Technicians Association  
Yolanda Busby, RVT  
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association  
Valerie Fenstermaker, California Veterinary Medical Association  
Connie Frank, RVT, Aqua Dog  
Steve Hartzell, Executive Officer, Physical Therapy Board of California  
Loly Hogans, DVM  
Tameka Island, California Physical Therapy Association  
Ann Joly, Aqua Dog  
Tom Kendall, DVM, Veterinary Medical Board  
Becky Lewis, RVT  
Dan Segna, DVM, California Veterinary Medical Association  
James Syms, California Physical Therapy Association

### **2. Approve March 16, 2011 Meeting Minutes**

The MDC reviewed the meeting minutes and suggested amendments to Agenda Items four and seven.

- **Dr. Jon Klingborg motioned and Richard Sullivan, DVM seconded the motion to approve the November 17, 2010 Meeting Minutes as amended.**
- **The motion carried 7-0.**

### **3. Executive Officer Report**

#### **A. Review Board Program Reports**

Ms. Geranen noted the staff reports were carried over from the Board meeting and that the Registered Veterinary Technician Committee (RVTC) met for its last time on June 14, 2011. Dr. Jon Klingborg asked that the RVTC's action items be included in a future Agenda for review. Ms. Geranen added the Board reviewed the proposed changes to the Minimum Standards in its last meeting and sent them back to the MDC for further discussion.

Ms. Geranen reported staff is working to fill its vacancies and that travel restrictions have impacted the hospital inspection program by limiting staff shadowing and inspector training. Hospital inspections will restart when the State budget is enacted. Paul Sanchez reported that a hospital inspector candidate pool has been developed. The Department of Consumer Affairs (DCA) has instituted a new expert contract process and that staff will work on the new requirements when contracting experts.

### **4. Minimum Standards of Practice**

#### **A. Review and Consider Approval of Proposed Changes to Minimum Standards Regulations**

Dr. Grant reported the Board reviewed the proposed Minimum Standards at its last meeting and they requested the MDC to discuss and proposed changes to managing licensee requirements and reverse distributorship of dangerous drugs.

The MDC discussed whether it would be better to require a managing licensee to be limited to a specific number of hospitals or whether a managing licensee should be bound to specific duties and obligations at each premise they manage. They discussed requiring minimum competencies, whether the managing licensee would need to be at the veterinary hospital at all times or able delegate their duties, and managing licensee liability. The MDC agreed to create a list of responsibilities for the managing licensee that includes specifying current areas of the law that are applicable to hospital premise standards. Shela Barker added managing licensees are not responsible for negligence and incompetence of other veterinarians and registered veterinary technicians working at the veterinary hospital. Dr. Klingborg and Dr. Richard Sullivan would work on managing licensee language based on the MDC's discussion and will refer the proposed language to the Board. Dr. Richard Sullivan commented that he wanted to ensure that animal shelters are not exempt from veterinary hospital premise regulations.

- **Jon Klingborg, DVM motioned and Oscar Chavez, DVM seconded the motion for a subcommittee of Jon Klingborg, DVM and Richard Sullivan, DVM to draft proposed language to define managing licensee responsibilities including responsibilities in existing regulations, maintaining a physical presence, unlicensed activity liability, and animal shelter exemptions.**
- **The motion carried 7-0.**

Ms. Barker noted that reverse distributorship for expired controlled substances can be costly and that pharmacies may, in the future, take back dispensed drugs. David Johnson, RVT remarked that there are already options for dealing with expired dangerous drugs and the MDC may not need to write any additional language in regulation. The MDC agreed that current law will set precedence until there are changes to current law requiring an update to regulations.

- **Richard Sullivan, DVM motioned and Jon Klingborg, DVM seconded the motion to recommend leaving current law regarding expired controlled substances unchanged.**
- **The motion carried 7-0.**
- **Jon Klingborg, DVM motioned and Richard Sullivan, DVM seconded the motion to strike subsection 2030(i) from the proposed Minimum Standards language.**
- **The motion carried 7-0.**

Mr. Johnson suggested addressing the care of animals in shelters where the animal's owner is unidentified and the animal requires treatment. Ms. Barker opined that any change in law may require legislation. Dr. Grant noted existing Good Samaritan law covers this situation.

#### **B. Develop Limited Practice/Vaccination Clinic Standards**

Dr. Grant remarked that vaccination clinics have recently expanded beyond simple vaccinations and are increasingly offering certain diagnostic services. Ms. Geranen added the Board does not issue licenses for vaccine clinics if they are part of a fixed or mobile practice. The MDC discussed the threshold for determining whether a vaccine clinic would be considered a premise and what diagnostic procedures would be allowed to take place at such a clinic.

- **Richard Sullivan, DVM motioned and David Johnson, RVT seconded the motion to send the proposed Small Animal Vaccine Clinic language as amended to the Veterinary Board for its review.**
- **The motion carried 7-0.**

### **5. Citation and Fine Guidelines**

- A. Discuss Recommendations for Updated Cite and Fine Regulations
- B. Review Violations Summary of Citations
- C. Review Definition of Incompetence and Negligence
- D. Update Cite and Fine Guidelines

Ms. Geranen reported the Citation and Fine Guidelines have not been updated since 1990. The MDC discussed the importance of defining levels and categorizing violations in order to make citations clear to the profession. Dr. Grant added that a clear cite and fine program would also be useful to Board staff and the public to better understand the program and its implications.

Ms. Barker opined that it might be beneficial to write in regulation addressing the 5-year time limit on holding citation and fines in the public record; other boards have this language in their regulations. The MDC reviewed citation and fine regulations from the Speech Language Pathology Board, Dental Board, and Psychology Board. Staff will draft cite and fine guidelines grouping violations by dollar amount similar to the Board of Psychology guidelines; the MDC will determine specific fine amounts and deterrent effect.

Ms. Geranen suggested adding definitions for incompetence and negligence to the Guidelines. The MDC agreed. Ms. Barker recommended citing case law from regulatory Boards and citing those cases in the Guideline definitions and that those examples may help in understanding of the definitions.

### **6. Discuss Proposed Language for Animal Rehabilitation**

James Syms of the California Physical Therapy Association reported that they would like to provide assistance to the MDC in their development of animal rehabilitation regulations. He remarked on the importance of supervision of any animal rehabilitation, ensuring the quality of physical rehabilitation graduates, assessing competency, and ensuring consumer protection above all else. Dr. Klingborg

noted that based on research from the California Veterinary Medical Association's Task Force 80% of animal rehabilitation is on older canines and would make rehabilitation supervision even more important to the welfare of the animals. Ms. Barker opined the Board cannot create a new license for animal rehabilitation but can set a minimum amount of training for registered veterinary technicians and unregistered assistants in order to perform animal rehabilitation.

Steve Hartzell, Executive Officer, Physical Therapy Board of California agreed on the importance of veterinarians supervising animal rehabilitation. Public testimony was heard stressing the training component of animal rehabilitation, recognizing a standard of care for rehabilitation, and the importance of defining animal rehabilitation as a task for registered veterinary technicians. Dr. Klingborg noted animal rehabilitation is currently allowed in regulation under the direct supervision of a veterinarian.

- **Oscar Chavez, DVM motioned and David Johnson, RVT seconded the motion to send the issue of animal rehabilitation back to the California Veterinary Medical Association Task Force and add registered veterinary technicians to the proposed language.**
- **The motion failed 0-7.**

Dr. Klingborg noted there is already a subcommittee to address animal rehabilitation issues and act on recommendations of the MDC.

#### **7. Agenda Items and Dates for Next Meetings**

- A. August 17, 2011 - Sacramento
- B. November 16, 2011 - Sacramento

The next MDC Meeting is scheduled for August 31, 2011.

#### **8. Comments from Public/Outside Agencies/Associations**

*There were no comments from public/outside agencies/associations.*

#### **Adjourn**

- **Dr. Richard Sullivan motioned and David Johnson, RVT seconded the motion to adjourn.**
- **The motion carried 7-0.**

The meeting adjourned at 3:50 p.m.